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## MEMO ENDORSED

Conference on 9/12/07 (a)
3:00. Probation to provide
detailed report on status of
supervision.
August 21, 2007
SO ORDERED
Date: 8/28/07 <u>Richard M. Berman</u>
Richard M. Berman, U.S.D.J.

Hon. Richard M. Berman  
Judge  
United States District Court  
500 Pearl Street  
New York, NY 10007

Re: United States v. Daniel Chugunov  
06 CR 1017

Dear Judge Berman:

The state court prosecutions underlying the defendant's violation of supervised release petition were both dismissed with prejudice. This was confirmed by the Probation Officer.

I am writing to respectfully request that the violation petition, now scheduled for September 24, either be advanced to an earlier date or dismissed. Probation Officer Pamela Harris is aware of this application and has consented to either of the requests. (Her only reservation is that if advanced the new date not interfere with her vacation, planned for August 29 to September 6.)

The respondent is doing well; there has been no excessive drinking nor any other problem after the two arrests. As noted, both of those cases were favorably resolved. There was insufficient evidence of any criminality by the respondent.

The respondent has new employment and hopes not to have to lose a work day, so he would prefer a dismissal of the petition. If that is inappropriate, an advance of the date is requested in that I will be starting a trial in the Eastern District on September 17, which trial is expected to last for two weeks. I have no scheduling problems at all on September 7, 12 or 13 or on the morning of September 14.

If the petition is not dismissed or advanced, I request any date convenient to Your Honor in October.

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/28/07

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AUG 23 2007
CHAMBERS OF
RICHARD M. BERMAN
USDC

BARRY GENE RHODES

Hon. Richard M. Berman – page 2 – August 21, 2007

Respectfully yours,

A handwritten signature in black ink, appearing to read "Barry G. Rhodes", written in a cursive style.

BARRY GENE RHODES

BGR:ck

cc: Michael J. Garcia, Esq.  
USPO Pamela Harris